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Lecture notes February 17, 1971

Biological and chemical warfare offer the image of the most frightening uses of modern technology. The combination of horror and of technical mystery impels the strongest motives to eliminating them; but it may also interfere with thinking through the practical measures that may give us some hope of safeguarding outselves from becoming victims of these weapons. Our efforts at arms control are also wisely directed at the more general problem of war-prevention, of finding non-violent means of solving problems of inter-state conflict. Nor does history give much support to the easy and innocent approach of unilateral disarmament, like the de facto policy of the U.S., Britain and France in the 30's as a way of preventing war.

The very extent to which biological and chemical weapons are lumped together is an index of a refusal to analyze the specific problems that they represent. In fact, they have little in common except that they involve unfamiliar technologies to which, happily, we have not become inured over the centuries as we have when we consider the "conventional" weapons of mass destruction.

This lecture is the third of a series offered within the arms control course. To complete a logical sequence, it will concentrate on BW. But before I turn to that, a more general analysis of our motives and techniques of effective arms control for both C and BW is appropriate.

The historical setting sees us at a point when the Geneva protocol of 1925 has been resubmitted by the President for ratification by the Senate, this having been repudiated at many earlier occasions. The protocol has been cited as if it were a moral commandment against the use of chemical and biological weapons, in distinction, one would suppose, to the license to kill by other means available to sovereign states. In fact, the Geneva Protocol has the legal form of a multilateral contract, a form reinforced by the reservations attached by France, and implicitly or explicitly by every other signatory to it. According to its terms, the parties promise not to make first use of a forbidden weapon. By implication, the treaty is also a threat of retaliation with C or BW in response to a violation of that promise. The protocol thus tends to encourage, and by no means to forbid the production, development, stockpiling, or proliferation of these weapons. Indeed an effective C or BW capability for retaliation is the only indicated measure for enforcing its terms.

Nevertheless, the Geneva protocol has also acquired a certain stature as a moral prohibition, and as weak as it is, it can be opposed only at the peril of seeming to be in favor of the further use of these weapons. It also serves as a rallying point for domestic oposition to military investment in C or BW capabilities whose tactical utilization would be impaired by the structures of the protocol.

The emotional pressures of public opinion aside, the value of CBW arms control can be summarized by the overview that world peace would be better served if no nation had these weapons than if all did. The introduction of new technologies into warfare inspires new fears and anxieties, and a diversion of resources badly needed for other human purposes. It may also change the balance of power, or inspire new ambitions therefore, in ways that are also likely to decrease the stability of the world system. Even if new weaponry did not inevitably spread to all contenders, our own technological advances may be dangerous. Too often, our self-perceived military capability has not been matched by the political wisdom to use it in our own best interests. There can be little doubt that much of the public outcry for CBW control is intended to narrow the military policy

options of our own government, in despair at accomplishing this through more straightforward political decisions. This is best illustrated by the controversy over the definition of CW -- should the language of the Geneva protocol be read to forbid such chemical as tear gas and herbicides? Such issues do raise significant questions about America's role in peripheral conflicts, questions that should be pursued with vigor though I doubt that the simplications of either the hawks or the radical left can be trusted. I am concerned whether we will be able to pursue other important arms control challenges, like those of lethal gasses or of BW so long as we are embroiled in these conflicts.

Both C and BW can be, and have been idealized in a way that might make us hesitate about the insistence on banning them so peremptorily. Non-lethal weapons, like tear gas, undoubtedly make it easier for the police to maintain public order. But there is a tendency to use any weapon to the limit of its legitimacy: we would not say that the rubber hose softened the confrontation of police and suspects. Similarly, we could imagine that enforceable and enforced doctrine that human life was to be valued much more highly than we have seen it in recent years. Otherwise, sophisticated weapons are simply multiplied with the old ones -- and, as in Vietnam, tear gas is used to drive troops into the range of firepower -- a very different use than the first justification of dealing with mixed collections of insurgents and civilians.

The continued use of such weapons , in the absence of a global understanding of the limits of a "chemical weapon" President Nixon's decision to resubmit the Geneva protocol was accompanied by a unilateral renunciation of any use, first, second, or otherwise, of BW. This also implied that U.S. stockpiles of BW agents would be destroyed, and that facilities for their development and production would also be terminated. After the question of toxins was raised, he later announced that these would be regarded in the same light as BW. The president reserved, however, the U.S. biological research efforts in the field of immunization and BW defense, which would,in any case, be difficult to distinguish from peaceful research on defenses against disease of natural origin. With respect to CW, the President committed the US gainst the first use of any lethal or incapacitating chemical weapon, indicating his interpretation of the Geneva protocol in anticipation of ratification and formal adherence to it. FInally, he indicated his support for new efforts at international control, in particular a British proposal for the universal condemnation of biological weapons, and continued study and negotiation on further measures on CW.

The remaining ambiguities about tear gas and herbicides raise a number of dilemmas. To accept these agents as illegal within the meaning of the Protocol would be an exercise in self-condemnation on the part of the administration. Furthermore, other nations may or may not take a similar view in future. The danger of conflicting perceptions on such an issue is all too clear. On the other hand, many people and many countries hold that these agents are forbidden; their continued use, especially if sustained after ratification of the protocol will arouse unremitting charges of bad faith. This expectation also impairs the progress of the protocol through the Senate.

The best course, in my view, would be for the President to impose a voluntary moratorium on American military use of tear gas and herbicides on the grounds that their legal status is questioned, and that we are winding up our involvement in Southeast Asia in any event. He could also ask for the negotiation of a specific, well-drafted agreement that spelled out the international understanding on these agents and would supersede the ambiguous language of the Geneva protocol in this sphere. This procedure would minimize the risk that

the whole framework of C & BW arms control might be shaken by an incident of "domestic" use of tear gas that might be alleged to be a military use, for example in response to a war of national liberation like a convict outbreak.

Weapons that have pervasive civilian uses also complicate the problem of negotiating controls on weapons capability, and the technological competition to which this relates -- keeping in mind the paradoxical effects of the NO FIRST USE doctrine of the Geneva protocol.

It would be understandable were the laymen to react, do away with all of it; unfortunately, most of the steps we are free to take merely worsen the situation. Other powers are quite ready to exploit any technological vacuum we may, in exasperation, leave. On the other hand, when we become too interested in military innovations, we also attract competing interest as a reaction to our own.